

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

THOMAS DUNN and THELMA DUNN,

Plaintiff(s),

vs.

NEXGRILL INDUSTRIES, INC.,

Defendant(s).

Case No. 4:07-CV-01875 JCH

ORDER

This matter is before the Court upon Plaintiffs Thomas Dunn and Thelma Dunn's Motion for Admission of Evidence to the Record for Purposes of Preservation for Appellate Review, filed on April 24, 2009. (Doc. No. 109). Defendant filed a Response to Plaintiffs' Request to Submit a Belated Offer of Proof (Doc. No. 110). Plaintiffs have not filed a reply memorandum. This matter is fully briefed and argued and ready for disposition.

This Court denies Plaintiffs' Motion for Admission of Evidence to the Record for Purposes of Preservation for Appellate Review. By their Motion, Plaintiffs belatedly attempt to supplement the record after the close of discovery and summary judgment briefing. As noted by Defendant, Plaintiffs' Motion is not sanctioned by the Court or the Federal Rules and subverts the case management order that governs this case.

Accordingly,

IT IS HEREBY ORDERED that Plaintiffs Thomas Dunn and Thelma Dunn's Motion for Admission of Evidence to the Record for Purposes of Preservation for Appellate Review (Doc. No. 109) is **DENIED**.

Dated this 23rd day of June, 2009.

/s/ Jean C. Hamilton

UNITED STATES DISTRICT JUDGE